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AUTHOR Mason, Peter
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ABSTRACT

This document discusses the shift in democratic countries toward the allocation of responsibility for the organization and control of education in the public system by decentralization from the center to the local community and beyond, to the governing bodies of individual schools, and to the parents who are represented on school councils. This kind of devolution is just part of a virtual revolution in established thinking about the balance of power and responsibility in democratic communities. It involves abandoning the concept of the "granny" state, that controls and organizes every facet of daily life in the interests of its citizens and substituting for it the principle of subsidiarity, under which responsibility rests wherever practicable at the lowest possible instance. The paper identifies four elements that determine the size and composition of the independent sector in a country, the degree of autonomy and effectiveness actually enjoyed by schools in it and the freedom of parents to choose: (1) the existence of constitutional and legal guarantees of the rights of parental choice and freedom of belief and association; (2) the combined effects of the nature and extent of direct subsidy from public funds and of indirect subsidy through the free provision of public services and taxation relief, and the nature and extent of legislation for the control of buildings, attendance, admissions, curricula, etc.; (3) the amount of indirect aid to parents and schools; and (4) the historical interplay of educational patterns and social mores. (DK)

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The Role of the Independent Sector in a Modern Democratic Society

An European View

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Address by Peter Mason, MBE, Chairman of the European Council of National Associations of Independent Schools and Director of the National Research Project of the the Independent Schools Information Service, at a Conference for Educationalists from Eastern Europe organised by Frie Grundskolers Fællersråd in Copehagen in February 1993.

THE ROLE OF THE INDEPENDENT SECTOR IN A MODERN DEMOCRATIC SOCIETY
An European view.

It is an honour and a pleasure to be invited to speak to an audience so many of whose members are actively engaged in the reshaping of principles, patterns and methods of education in countries formerly dominated by the very different social and educational theories implicit in communism. As Chairman of ECNAIS and Honorary Research Director of the British Independent Schools Information Service it has been my good fortune to have a special link with your host country, Denmark, whose system of education, though it is - as I am sure you would agree, Minister -like all things, not quite perfect, is nevertheless conspicuous for the degree of decentralisation, freedom of parental choice and licence to pursue different educational goals and beliefs which it has developed, while not abandoning a sensible degree of central responsibility for standards - if I may say so, a very typically Danish approach to social responsibility.
Perhaps you would allow me very briefly to explain my credentials, such as they are, for attempting to draw some lessons about the purposes and practice of education in modern democratic societies. They stem from some twelve years or so of examination on the ground of patterns of education in general and of those of the independent sectors in particular in Western Europe, North America, the Antipodes and Southern Africa. I believe you have been or will be given copies of the latest of my studies, Independent Education in Western Europe, which will, I hope, give you more insight than is possible in a talk of this kind into the common factors and assumptions underlying the marked differences in the role and practices of independent schools in our several countries, differences which stem from our different national patterns of democracy. With your help and that of your associations I plan to add a fifth volume in due course - Independent Education in Eastern Europe.
I can perhaps best illustrate my meaning by a brief *tour d'horizon'* but first of all may I remind you that increasingly in recent years there has been in most democratic countries a slow but very marked shift in the allocation of responsibility for the organisation and control of education in the public system by decentralisation from the centre to the local community and beyond that to the Governing Bodies of individual schools and to the parents who are represented on School Councils. The extent and manner of this devolution varies greatly from country to country but has, Denmark apart, gone further in the UK than in most other lands - though, oddly enough, the British government has combined decentralisation with the introduction for the first time of a national curriculum in order, as it hopes, to ensure higher standards of skill and knowledge in the population at large. This kind of devolution is just part of a virtual revolution in established thinking about the balance of power and responsibility in democratic communities. It involves abandoning the concept of the 'granny' state, which controls and organises every facet of daily life in, as it claims, the interests of its citizens and substituting for it the principle of subsidiarity, under which responsibility rests wherever

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practicable at the lowest possible instance - the individual citizen, the local community, the responsible interest group as the case may be. With this goes the belief that, unless citizens can be convinced that the common good is endangered by so doing and that a higher authority is needed to ensure that it is not, they should be given the maximum freedom of choice in personal behaviour, in religious or other beliefs, and in the choice of school and educational goals for their children and also that choice should, as far as possible, not be restricted by the ability to pay. The revised version of the Treaty of Rome negotiated at Maastricht is intended to assert the same principle in the European Community as a whole, despite giving increased influence in education, amongst other things, to the Council of Ministers and the Commission.

Utopia is a never-never land, a dream of perfection beyond our powers of realisation. It is compromise and balance between conflicting interests which are the life blood of a democratic society. Nevertheless subsidiarity is a philosophy which is increasingly written into national policies, including those for education, even in countries like Germany and France where bureaucratic resistance to the surrender of central power has been especially entrenched. There are still many people in government who think Granny knows best, which in education means that it controls by detailed legislation as opposed to general guidelines and statements of intent not only the scope and content of the curriculum, the qualifications, pay and terms of employment of teachers (who in many countries are civil servants), examinations and the admission of pupils, but also the allowable degree of freedom of parental choice. It is against this background that I would ask you to consider the extent to which independent schools can and should contribute to the widening of responsibility and of individual choice as it affects national patterns of education. There are wide differences in theory and in practice on all these points in Western Europe, as I shall try to show you. In other continents too, where systems of government including education have developed from colonial importations from Europe there is now a growing recognition of the importance of transferring control to some degree from the centre to the periphery, where the final wisdom is now felt to lie.

In the course of my studies of independent schooling in Europe and beyond I have come to understand that in the end there are four things which largely determine the size and composition of the independent sector in a country, the degree of autonomy and effectiveness actually enjoyed by schools in it and the freedom of parents to choose.

These are - forgive the catalogue - :

firstly, the existence of constitutional and legal guarantees of the rights of parental choice and freedom of belief and association;

secondly, the combined effects of, on the one hand, the nature and extent of direct subsidy from public funds and of indirect subsidy through the free provision of public services and taxation relief; and on the other the nature and extent - or lack - of legislation for the control of buildings, attendance, admissions, curricula, examinations, the certification and employment of teachers and for the provision for inspection and the control of accountability;

thirdly, the amount of indirect aid to parents and schools by way of state scholarships, remissions of fees and tax deductions for school fees and the availability of charitable gifts to schools;

fourthly and most significantly, the historical interplay of educational patterns and social mores - and in particular the degree of involvement of the churches in education.

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This sounds terribly formal and arid, but let me try to illustrate how it works by giving you examples under the four heads, for it is by these that you can measure your own educational plans.

First of all constitutional and legal guarantees:

The UK and Luxembourg alone in Western European states do not have written constitutions but all have clauses either in their constitution or in major legislation which refer to the rights of parental choice and of freedom to establish independent schools. Most have also incorporated the European Convention of Human Rights and the UN Declarations in their national law and therefore provide redress in national courts, whereas in the UK cases must be taken to Strasbourg, where appeals normally take ten years for resolution, by which time irreparable damage would have occurred if, for example, independent schools were made illegal by a doctrinaire socialist government. We should note too that the European Parliament in the Luster declaration of 1984 on Freedom of Education in the Community demanded recognition in Community countries of the right to parental choice and to freedom in education and required member states to provide the financial means whereby these rights can be exercised in practice in independent schools on equal terms with state schools - something which Italy, the UK and Greece have not yet put into practice and some others have only done in a half-hearted way. I am assuming that similar provisions are or will be written into new constitutions in the East, where many countries already subscribe to the Declarations of Human Rights and are in membership of the Council of Europe.

Secondly let me illustrate how the effects of state subsidies and controls result in marked differences in standards, accessibility and autonomy.

In the NETHERLANDS (where **69%** attend Catholic, Protestant or non-denominational independent schools, each with its own association) and in BELGIUM (with approx. 65% overall in the separate Flemish speaking and French speaking systems) independent schools are fully subsidised, must be non-profit making and may not charge fees except for extras. Loans or grants are also available for capital expenditure. Their governing bodies must pay the price by submitting to government control of curriculum and examinations and, since they share the same financial resources as state schools, they have little scope for experiment and innovation; but they are free to recruit staff and pupils and to invite voluntary contributions by parents for extra-curricular activities. Their main asset is the greater involvement of pupils, staff and parents and a coherent educational philosophy. The majority of schools are church-based but there is a growing demand for Steiner, Montessori and other non-denominational schools whose educational pattern is less conventional. Independence in education is on these terms non-controversial and is not regarded as élitist, but they deprive schools of Lebensraum and freedom to develop and widen the curriculum of their choice.

In FRANCE and SPAIN (with 16.6% and about 34% in their respective independent sectors, mainly in aided and mostly Catholic schools) socialist governments, which aspire to the establishment of a single, lay, national system of education, have attempted for the aided sector to add to control of curriculum stricter controls of admissions, of the appointment of staff, of school government and of expansion. Hence the massive and successful counter-demonstrations of June 84 in Paris. Fees in French aided (sous contrat) schools are limited to costs of religious instruction, loan charges and equipment and to help with funding a building reserve. In Spain, most independent schools are under Catholic control and receive grudging

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subsidies varying according to category from 100% to nil. Under a new law, which will take six years to be fully effective, compulsory education continues until 16 with a curriculum similar to that of other European countries. Aided independent schools are discriminated against financially and find it hard to pay for the necessary up-grading and the retraining of teachers.

In GERMANY Federal Law permits subsidy of independent schools which are comparable to state schools *provided there is no separation of pupils by reason of parental means*. As interpreted by the courts this requires the regional governments of the Länder, who are responsible for education, to subsidize - at present by about 75% of costs - Catholic, Protestant and other (e.g. Steiner) schools which conform or are accepted as equivalent to regular state patterns of general education and examination. They educate about 6.5% over-all from a quite wide range of social backgrounds (12.1% in academic grammar schools or *gymnasia*) and they have considerable political support especially where the Christian Democrats have a majority. The independent sector also includes a large number of vocational secondary schools, some of which also are subsidised. Policy on subsidies varies from Land to Land.

In DENMARK , as you will know, about 10% attend a wide range of independent schools covering the years of compulsory education from 7 to 16 and some 20 independent schools provide gymnasium level courses. They receive on average a subsidy of 75% of costs with, as I will explain later, only minimal controls but are required to pay teachers at government rates. As far as is practicable parents have authority to influence the curriculum and responsibility for school efficiency. This is *liberal pluralism exemplified* and, despite some differences of emphasis, no political party opposes their right to exist and parental rights of choice. The umbrella organisation, FGF, coordinates a number of separate associations for the different types of school and negotiates with government on their behalf. There is little genuine political opposition to the existence of aan independent sector.

In ITALY subsidy by central government is forbidden by the constitution. Recognised independent primary and secondary schools are strictly controlled and must conform to the state system and exams. They educate overall roughly 8% and at secondary level attract a growing entry from state schools. There is some subsidy for secondary schools at regional level.

In IRELAND, where parents, not the state, are legally responsible for education, a majority of denominational (mostly Catholic) primary schools are 80% aided and do not charge fees, while 63 are fee-paying and uncontrolled. 63% of all secondary pupils attend either nominally free (90%), or partially subsidized independent grammar schools. Curriculum is state-dominated but controls are minimal.

In PORTUGAL about 8% attend Catholic or privately-owned schools which are partially subsidized and elaborately inspected by a department of the Ministry, which lays down a very detailed curriculum. Basic fees in the mid-eighties averaged £2500 per annum but reached £3500 in élite schools.

In GREECE strict controls over curriculum and fees exist without any subsidy. Most schools are privately owned and profit-making.

In the UK, where more than 7.5% in England and Wales and 3.4% in Scotland attend independent schools, there are no direct subsidies from government, but schools are free from all but minimum controls apart from public examination requirements and the effect of market forces.

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Thirdly, various kinds of indirect aid from the community:
Tax advantages to offset the cost of fees are given only in Germany and Italy. In the UK under the Assisted Places Scheme a small number of parents of able children are eligible for full or partial subsidy of fees according to income; schools which are charities benefit from rate relief and from the return of tax on charitable donations for buildings and scholarships; and there are insurance schemes to mitigate the cost of school fees - unknown elsewhere. British charitable status has no exact equivalent in other European countries, but most allow some advantages to non-profit-making bodies. Some countries, including Denmark, Spain and Germany, offer some scholarships for disadvantaged children attending independent schools and Germany allows some rebates on taxes.

Fourthly and lastly, we must consider the effect of historical development and social mores on the pattern of educational systems and their educational goals:
It is of prime significance that in all EEC countries except the UK the independent sector includes a large proportion of Church schools, with the Catholics in pride of place except in the north. They are backed by a powerful lobby, and though some of their schools are expensive and 'élitist' the majority are neither socially nor academically selective. The importance of their influence and of their supporters for the maintenance of variety and freedom of choice and conscience cannot be exaggerated - note for example the retreat of hostile socialist governments faced with massive opposition from the Catholic Church in France and Spain and the approval of parental choice by a majority of the population. On the other hand they form educational blocks almost as formidable as the state schools themselves; and the Catholic Schools form part of a powerful international educational community which overlays national patterns. In the UK, where most Catholic, Anglican and Jewish schools are incorporated in the state system as voluntary-aided or voluntary-controlled schools and are not regarded as part of the independent sector, that sector is both politically weaker and socially more exclusive than it would be if they were fully incorporated in it.
We should note, too, that during the past decade there has been a notable growth throughout Europe in the demand for non-denominational schools such as Steiner, Decroly, Montessori, etc., and for 'free' or experimental schools, which in many countries now receive subsidy and also for the growing number of evangelical Christian schools. All of these contribute to variety and wider parental choice and some refuse the obligations which state subsidy and inspection would bring, though their educational effectiveness is not always beyond reproach.
By way of contrast, in the three Scandinavian countries not at present in membership of the EEC - NORWAY, SWEDEN AND FINLAND - the dominance, until very recently, of a socialist welfare economy with its consequence of heavy personal taxation and preference for comprehensive patterns of education has greatly limited subsidy for independent education, despite constitutional protection for parental choice and variety and a very strong tradition of personal freedom and Protestant Christianity. Many schools have as a result been assimilated into the government system. In the last twelve months both Sweden and Finland have relaxed their controls and extended their subsidies in favour of greater variety and independence. Sweden is now aiming to give equal access to state and independent schools by parental choice. All schools will be funded on the same terms and may not charge fees except for extras.

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I hope this rather sketchy summary will have helped to illustrate, first of all, how delicate is the balance between the claims of equality of opportunity which requires subsidy and therefore a greater or lesser degree of control by government, and those of autonomy and how impossible it is to give full effect to both at once. Britain is a good example of this dilemma, for though British independent schools are by comparison less subject to government legal controls than those of any EEC country including Denmark, they are, by reason of being unsubsidised and in many cases academically selective, less accessible to those of limited means than their equivalents in most European countries. Their greater independence and their long tradition of excellence in academic and personal training are rightly famous but expose them more widely to the charge of élitism than their European colleagues; and they lack the broadly-based support of a socially varied constituency of users and especially that of the Catholic and Anglican Churches and other faiths which in other countries are more involved directly in independent education. Parental choice, except for the well-off or those whose children win scholarships or bursaries by reason of ability or special need, is strictly limited by Government refusal to contribute in any way to the cost of independent education

These, then, are some illustrations of the four determinants which will decide the size, status and effectiveness of developing independent sectors in your countries as they do in Western Europe. Given that there is now in Europe general acceptance of the principles set out in the Declarations of Human Rights and of the rightness of devolution of authority downwards from central government and that any new pattern of educational provision must grow out of and be influenced by national traditions dating from earlier times, the problem remains for you and for us of deciding how best to balance the importance and basic interests of the partners involved. I mean, of course, Government at central and local level, school authorities, teachers, parents and pupils and finally the community at large. I am sure you will agree that there is no copy-book answer and I would beg you to ponder and weigh very carefully the importance of each of them to a successful outcome. Western Europe has no monopoly of the right answers. Constitutional and educational theorists abound and have much of value to say in the proposals they put forward for shaping educational systems. There is no doubt that the aim should be for freedom and diversity in educational provision and access to it by parental choice unfettered, as far as it is possible, by ability to pay. If you argue that public funds should be available to state and independent schools on equal terms, there is much to be said for changing the method by which schools of all kinds are financed and avoiding direct subsidy by providing vouchers or, as some would like to call them, scholarships to parents and restricting grants to schools to money for capital improvements. Personally I begin to believe that some form of voucher system will prevail sooner or later. On the other hand I worry about accountability and about the need for adequate control in the general interest of the community which provides the funds. I am not convinced that yours and my money paid in taxes should be distributed without safeguards to all and sundry, including the educational crackpots who appear not to recognize accepted standards. For my money, the right to charge a modest fee and to look for financial support from donors has much to commend it, since the personal contribution encourages parental involvement and makes it easier for a school to develop its specialities in philosophy or curriculum and to experiment.

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The nitty gritty of the argument, to use a bit of English jargon, centres on the answers you give to the following questions:

firstly, while accepting the principle of subsidiarity, how much control should continue to rest with each or any level of elected government to preserve sound educational objectives, overall professional standards, proper use of public funds and fair play and to decide whether the community should give preferential treatment to schools whose educational aims it prefers and which best preserve historical continuity? Should some control of curriculum, examinations and teachers' qualifications and of accountability for public funds continue to rest with elected democratic representatives at central or regional level or should such things be left to the discretion of trustees and owners of schools or some neutral arbitrator?

Secondly, is it better in principle to maintain separate systems of state and independent education differently funded and organised in which the public sector, though increasingly decentralised to local authority or school level, predominates? It does so everywhere at present except in the Netherlands and Belgium where the private sectors, though advantaged in terms of freedom of choice by parents regardless of means, are less different than elsewhere and are in danger of losing their power to innovate?

OR

to settle for a free-for-all where the success of all types of school depends on market forces with unfettered parental choice financed wholly or partly by vouchers, bursaries or grants?

Thirdly,if for reasons of fairness you feel state and independent schools should receive the same per capita grant from public funds, which will always be insufficient, how do you encourage variety, experiment, innovation and excellence and provide for the needs of the disadvantaged? If you allow independent schools to supplement subsidies or vouchers by charging fees, as happens in Germany and most other countries, how can you prevent this to some extent reducing their accessibility to the less well off and lowering achievement in a state system?Some recent recommendations to education lawmakers by the European Forum for Freedom in Education based in Witten in Germany argue that general right of access to education should no longer depend on the State as guarantor and that the State's sole duty is to guarantee freedom and diversity. Therefore it should only provide schools where there are not enough regional or independent schools to meet demands. Law should, they say, guarantee freedom of teaching as well as equal rights for all types of school and this means no determination by government of educational aims, curriculum and teaching methods or of school structure. They oppose even the setting of minimal standards or obligatory curricula by the State, wish schools to be entirely free to engage teachers on their own terms and would allow different types of school to set up their own teacher-training institutions and issue their own diplomas. Any school inspectorate should not be run by the State or subject to influence by State authorities. There is something in this and other formulations of this kind which deserves study but such proposals are, fear, inherently impractical.

I hope that that our brief journey round Europe will have shown that in practical experience it is wiser to build slowly and carefully, preserving what is best in existing practice and discarding what is out of mesh with the times. I realise only too clearly that for more than fifty years the continuity of educational patterns in Eastern Europe has been broken by

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Diktat but you should go back to your roots as well as forward with the new extended Europe you have joined. I can think of no better place than here, in Denmark, to see how it is possible to combine freedom of choice and of educational methods with the necessary supervision and accountability to the community as a whole which provides most of the cost. The growing strength of the European Dimension in Education fostered by the Council of Europe and the European Community is doing much to break down the barriers and help us to share one another's experience in this as in other aspects of national life. None of us has a monopoly of the truth but we all have something to learn from and to give to our neighbours. One last point. May I emphasise again my firm belief that there is no single blueprint for the organisation of education in a democratic society and no perfect answer to achieving a satisfactory balance between four conflicting needs -

1) the freedom of choice for parents between schools with different educational philosophies,
2) adequate controls by society to safeguard sound standards of education in schools,
3) reasonable freedom to innovate and experiment and
4) equality of opportunity regardless of ability to pay?

This critical balance must finally depend on attaining sufficient consensus between all concerned, legislators, parents, the educators. the churches and other social groupings and to a lesser extent those *'in statu pupillari'*.

(4384 words) Peter Mason. Jan 1993.

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